

Petroleum Cleanup
General Permit
Permit No.: MTG790000

**MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

PETROLEUM CLEANUP GENERAL PERMIT

AUTHORIZATION TO DISCHARGE UNDER THE

MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES)

In compliance with Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated (MCA), and the Federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. 1251 et. seq., applicants issued an authorization letter for the Petroleum Cleanup General Permit are permitted to discharge wastewater from petroleum-related corrective actions which may include, but not be limited to, surface and/or ground water cleanups as a result of excavation activity, remediation activity; surface and /or ground water contaminated by spills; or ground water resulting from pumping and /or monitoring aquifers to state waters in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein. Other petroleum cleanup activities may be covered if they meet the requirements of this General Permit.

This permit shall become effective on the **February 1, 2013**.

This permit and the authorization to discharge shall expire at midnight, **January 31, 2018**.

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY



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Water Protection Bureau
Permitting and Compliance Section

Issuance Date: December 28, 2012

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I. COVERAGE UNDER THIS GENERAL PERMIT

A. Coverage Area

This General Permit applies to all areas of the State of Montana, except Indian Reservations.

B. Sources Eligible for Coverage

The Department has determined that the following sources are eligible for coverage under this General Permit:

Petroleum cleanup discharges from corrective actions involving the cleanup of sites used to store gasoline, diesel fuel, kerosene, jet fuel, heating oil or the transportation of these materials (including pipelines). Wastewaters from petroleum cleanup corrective actions may include surface and/or ground water as a result of excavation activity, remediation activity, surface and /or ground water contaminated by spills, or ground water resulting from pumping and /or monitoring aquifers. Other petroleum cleanup activities may be covered if they meet the requirements of this General Permit.

C. Sources Covered under the April 1, 1998 General Permit

Sources covered under the April 1, 1998 General Permit must submit a Notice of Intent (NOI) form to maintain coverage under the renewed General Permit.

D. New Sources Applying for Coverage after the Effective Date of this General Permit

New sources seeking to obtain coverage under the General Permit must complete and submit a Notice of Intent (NOI) form for the General Permit and annual fee at least 30 days prior to the construction or operation of the treatment or disposal system regulated under the General Permit. Applicable permit fees are specified in ARM 17.30.201 (June 30, 2011).

For facilities that are eligible for coverage under the General Permit, the Department will issue a confirmation letter to the owner or operator of the facility within 30 days after receiving a completed NOI form and fee. If the facility does not qualify for coverage under the General Permit, the Department will notify the applicant. The applicant may then apply for an individual permit or modify the operation and re-apply for coverage under the General Permit.

E. Termination of Permit Coverage

Authorizations under the General Permit remain in effect as described above unless the Department receives notice from the permittee that the authorization should be terminated. This notice must be signed and certified according to the signatory requirements in Part IV.G. of the General Permit and all applicable fees must be paid. Failure to submit a written notice of termination shall result in accrual of annual fees until such notice is received by the Department.

In addition to the ability to request a termination, the owner or operator of a facility covered under the General Permit may request to be excluded from coverage under the new General Permit by applying for and obtaining an individual MPDES permit pursuant to ARM Title 17, Chapter 30, Subchapter 13. If an individual MPDES permit is issued to the owner or operator of the facility, coverage under the General Permit is terminated on the effective date of the final individual MPDES permit.

F. Transfer of Coverage

The Department may transfer the authorization to a new owner or operator in conformance with Part V.M. of the General Permit.

G. Sources Excluded from Coverage under the General Permit

The Department may deny a General Permit application for discharge under the general provisions of ARM 17.30.1341(4)(a), which includes the following:

1. The specific source applying for authorization appears unable to comply with:
 - a. Effluent limits or other terms and conditions of the permit;
 - b. Water quality standards established pursuant to 75-5-301, MCA;
2. The discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the General Permit.
3. An MPDES permit or authorization for the same operation has previously been denied or revoked.
4. The discharge to be authorized under a general MPDES permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, *et seq.*, MCA.
5. The point source will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA; impacts on fishery resources; local conditions at proposed

discharge sites; and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.

6. Discharges are not allowed in A-Closed classification waters because these waters are typically used for drinking water sources. No increase above naturally occurring turbidity, and no change in dissolved oxygen, pH and temperature are allowed in this water classification [ARM 17.30.621(3)] so it would not be cost-effective to treat wastewater from petroleum cleanup activities to these levels before discharging to A-Closed waters.
7. The discharge contains lead from a historic leaded gasoline spill or from another source. Petroleum cleanup sites with lead must be covered under an individual permit.
8. If the receiving water at a petroleum cleanup site is on the 303(d) list for any pollutant of concern in this permit, then an individual permit will be required to discharge and to meet the TMDLs for the specific receiving water.
9. The EPA regional administrator has objected to the discharge in writing.

II. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS & OTHER CONDITIONS

A. Effluent Limitations

Parameter	Units	Maximum Daily Limit ¹
Benzene	µg/L	0 ²
Total BTEX ³	µg/L	100
MTBE	µg/L	12
pH	s.u.	6.0 - 9.0
Oil and grease	mg/L	10
Oil and grease, visual	Yes/No	No visible sheen
¹ The maximum value allowed in any single sample. ² Analytical results for benzene at or less than the RRV (0.6 µg/L) is considered in compliance with the benzene limit. ³ The sum of benzene, toluene, ethylbenzene and xylene (meta, ortho and para) isomers.		

Discharge flow is not limited but must be monitored and reported on the Discharge Monitoring Report (DMR). Discharge flow to receiving streams must not cause erosion of the receiving stream bed or bank. If necessary, flow dissipation devices or rip rap must be installed to reduce or control erosion.

B. Self-Monitoring Requirements

Discharge monitoring must take place at a point before the discharge leaving the treatment system enters the receiving water and must be representative of the discharge flow. Laboratory analytical results must meet Required Reporting Values (RRVs) in Circular DEQ-7 (October 2012). All analyses must follow approved analytical methods in 40 CFR Part 136.

Parameter	Units	Sample Location	Sample Frequency	Sample Type ¹
Effluent Flow	mgd	Effluent	1/Day	Instantaneous
Benzene	µg/L	Effluent	1/Week	Grab
Total BTEX ²	µg/L	Effluent	1/Week	Grab
MTBE	µg/L	Effluent	1/Week	Grab
Oil and grease ³	mg/l	Effluent	1/Week	Grab
Oil and grease	visual	Effluent	1/Day	Observation
pH	s.u.	Effluent	1/Week	Grab
Footnotes: ¹ See Definition section at end of permit for explanation of terms. ² The sum of benzene, toluene, ethylbenzene and xylene (meta, ortho and para) isomers. ³ Use Method 1664A or Method 1664B and specify the SGT-HEM procedure.				

III. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Reporting Requirements

All turbidity observations and the operation log shall be reported on the supplied report forms and sent to the Department monthly (see address below), postmarked no later than the 28th day of the month following the reported month.

Montana Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, Montana 59620-0901
Phone: (406) 444-3080

B. Recording of Results

For monitoring requirements of this permit the permittee shall record visual observation as required on the report form provided by the Department.

C. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit the results of such monitoring shall be included in the monitoring report. Such increased frequency shall be indicated.

D. Record Retention

All records and information resulting from the monitoring activities required by this permit shall be retained for a minimum of three (3) years, or longer if requested by the Department.

E. Noncompliance Notification

If for any reason, the permittee does not comply with or will be unable to comply with any effluent limitation specified in this permit, the permittee shall notify as soon as possible by phone and provide the Department with the following information, in writing, within five (5) days of becoming aware of such condition:

1. A description of the discharge and cause of noncompliance; and
2. The period of noncompliance including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non-complying discharge.

F. Inspection and Entry

The permittee shall allow the head of the Department or the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample, or monitor at reasonable times for the purpose of assuring permit compliance, any substances or parameters at any location.

IV. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity, which may result in permit noncompliance.

B. Penalties for Violations of Permit Conditions

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to civil or criminal penalties not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than 2 years, or both. Except as provided in permit conditions on Part III.G of this permit, "Bypass of Treatment Facilities" and Part III.H of this permit, "Upset Conditions", nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

E. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

F. Changes in Discharge of Toxic Substances

Notification shall be provided to the Department as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- a. One hundred micrograms per liter (100 µg/l);

- b. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,
 - d. The level established by the Department in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- a. Five hundred micrograms per liter (500 µg/l);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,
 - d. The level established by the Department in accordance with 40 CFR 122.44(f).

V. GENERAL REQUIREMENTS

A. Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants, which are not subject to effluent limitations in the permit.

B. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

C. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of the confirmation letter to discharge, the permittee must apply for and obtain a new confirmation letter. The request must be submitted at least 60 days before the anticipated operation date. A new NOI form must be submitted with the correct application fee after the fifth year of operation and shall be submitted within 60 days before the anticipated operation date.

E. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information.

G. Signatory Requirements

All applications, reports or information submitted to the Department shall be signed and certified.

1. All permit applications shall be signed as follows:

- a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is considered a duly authorized representative only if:
- a. The authorization is made in writing by a person described above and submitted to the Department, and,
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under Part IV.G.2 of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.G.2 of this permit must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Penalties for Falsification of Reports

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by the Clean Water Act, permit applications, permits and effluent data shall not be considered confidential.

J. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

K. Property or Water Rights

The issuance of this permit does not convey any property or water rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

L. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. Transfers

This permit cannot be transferred to a new permittee. A new owner or operator of a facility must apply according to the application procedures in Part IV.D of this permit 30 days prior to taking responsibility for the facility.

N. Fees

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for payment, the Department may:

1. Impose an additional assessment consisting of 15% of the fee plus interest on the required fee computed at the rate established under 15-31-510(3), MCA; or
2. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate, license

or other authorization for which the fee is required. The Department may lift the suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this subsection.

O. Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
2. TMDL or Wasteload Allocation: TMDL requirements or a wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.
3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.
4. Toxic Pollutants: A toxic standard or prohibition is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.
4. The permittee must take the necessary preventive measures to ensure that the discharge does not cause erosion in the area of operation or of the bank and bed of the receiving stream.
5. There shall be no discharge of any wastewater except wastewater resulting from dewatering of groundwater and/or surface water from construction sites.

VI. DEFINITIONS

1. **"Department"** means the Montana Department of Environmental Quality (MDEQ).
2. A **"grab"** sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
3. An **"instantaneous"** measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
4. A **"mixing zone"** means a limited area of a surface water body or aquifer where initial dilution of a discharge takes place and where water quality changes may occur. Also recognized as an area where certain water quality standards may be exceeded.
5. **"Non-degradation"** means the prevention of a significant change in water quality that lowers the quality of high-quality water for one or more parameters. Also, the prohibition of any increase in discharge that exceeds the limits established under or determined from a permit or approval issued by the Department prior to April 29, 1993.
6. The term **"TMDL"** means the total maximum daily load limitation of a parameter, representing the estimated assimilative capacity for a water body before other designated uses are adversely affected. Mathematically, it is the sum of wasteload allocations for point sources, load allocations for nonpoint and natural background sources, and a margin of safety.
7. **"Turbidity"** means a measure of the clarity of a particular water sample. It expresses the tendency of the sample to scatter or absorb light owing to the presence of sediment, suspended particulate matter, such as silt, or other finely divided organic or inorganic matter. Turbidity is measured in nephelometric turbidity units (NTU's).
8. The **"receiving stream"** means the river, stream, or creek, which receives the wastewater discharge from the construction activity.